P 1 Pages 1-27

App. F. IX-4

1938-9

File No. 194-38

Previous References

(SJA)

Serial Nos. 1-4

SJA Dep 17-38.
Dep 212-38.

PRESERVED (?)

~~Letter References~~
305-38 (3, 4, 15)
40-38 (2, 5, 6, 14, 15) — C10-45-13
42-38 (1-10)
57-39 (1, 2-4, 6, 7)
384-13 (1, 2)
95-33 (1, 4, 15)
SB 3-44
SB 4-42 (1-2)

Later References
S B. 3-44 (1-2)
S B. 9-44 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Jpw

Pves

Part B for Nov 38

SUBJECT.

Petitions from Messrs B. Hadakari Nayak and P. Krishnappaiah Naik & three others praying that the two vacant pensions of Hanumanthe Nayak may be continued to them.

R(3) To Mr B. Hadakari Naik, Pollegar of Chitaldrug
No. H 3029 of 16/11/38
Express Him that the request cannot be granted.

WD 0296—GPB—22,500—18-8-37

R(4) To Mr P. Krishnappaiah Naik, Pollegar of Nidugal
No. H 3030 of 16/11/38
Express Him that the request cannot be granted

WA. RK 28/11/38

Chitaldrug Family Pollegar Pension.

General and Revenue Secretariat | S+A File No. 194 of 1938. | [App. F. III—2

Serial No.

1 Petition dated 7.3.38 from B. Madakari Nayak, Pollegar of Chitaldrug Family, praying that the two vacant pensions of Hanumamma Nagathi and Chikkasatyamma Nagathi may be continued to him.

2 Petition dated 7.3.38 from P. Madakari Naik & P. Krishnaswami Naik, Narayanaswami Naik and three others, praying for the continuance in their names of the 2 vacant pensions referred to above and claimed by B. Madakeri Naik.

The vacant pensions of Hanumamma Nagathi and Chikkasatyamma Nagathi, widow and daughter respectively of the late parasuramappa Naik were lapsed to Govt (Vide G.O. No. H. 9240/S+A. 40-25-13 dated 12.6.1928) as they died without issues. The petitioner Mr B. Madakari Naik claims the pension as the grand nephew of the last Malebobber Parasuram Naik. On the strength of certain precedents quoted by them, he has been urging his claims now and then, and his request has been rejected more than once. Kind reference is invited to the Endorsement No. H. 317/ dated 15/7/36, informing him that his request cannot be complied with, and the notes and orders leading thereto, in which the case

(2) ⊗
S+A. Dep 212/35
Flag M.
S+A Dep No. 17/36.

Since Gen. Dept in 1960

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—18-4-37

Claims to the Lapsed pensions of Hanumamma Nagathi and Chikkatyamma Nagathi of the Chikaldrug Pollegar family.

File No. 2780 V — 2823 PC of 193

General and Revenue Secretariat

has been discussed. The request of Sri Mada-Keri Naik has therefore to be negatived as on the previous occasions. His claims were rejected on the grounds (1) that he was of distant relationship, (2) that the pension claimed was one which ought to lapse as the grantees were females, being life grants, (3) that he was already enjoying in his own right, a pension of Rs 101-0-0 which was considered decent enough and (4) that the precedents quoted by him were not analogous to his case. (Vide also the then first Member's ~~notes~~ orders in S1A-34-31-9 approving of the ~~and also the~~ Financial Secretary's ⊗ note dated 7.7.36. That "the prayer has been rejected more than once and that orders already passed have to stand."

Flag H.

In his letter No. 1552/S.A.Dy dated 12.9.27 the State Heerjur Treasury Officer had already ⊗ reported that Veeranadakeri Naik - illegitimate son of the original holder of the Branch - traced his relationship to the deceased Hanumamma Nagathi through Nanjamma, the Concubine of Veeranadakeri Naik (Elder) and ~~is~~ was barred by illegitimacy of descent.

Flag G.
⊗ The claims of all the petitioners (both the petitions) are discussed here.

As regards the Other petitioner, the petitioners have not furnished the Genealogical tree (as stated to have been enclosed with the petition). Besides ~~those~~ their claims have been considered previously. It is stated that the petitioners claim the

Serial No.

vacant pensions of Hanumamma Nagathi and Chikka Satyamma as direct descendents in the male line. These petitioners P. Krishnaswami Naik, P. Madakari Naik & others say that Veera Madakari Naik and B. Madakari Naik are barred by illegitimacy of descent and that the latter is already getting a decent pension of Rs 101-1-10. They claim that the vacant pensions may be continued in their names as they are the nearest relatives to the deceased. In support of this, they refer to the Endorsement issued to the late Bharamamma Naik, in which the nearness of the relationship of Bharamamma Naik (the petitioners grandfather) to Parasuramappa Naik was recognised by the then Chief Commissioner, wherein it has been stated that Bharamamma Naik is the next of kin and has the first right for consideration.

When orders were issued in 1928, that the two vacant pensions (now claimed) should lapse to Govt, the claims of all the above petitioners (B. Madakari Naik on the one hand and P. Krishnaswami Naik, P. Madakari Naik & others) were considered; and the pensions in question were ordered to be lapsed as per legal opinion (referred to above) mentioned in paras 3-7) dated 18.4.38.

7 Aug N

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

Claims to the lapsed pensions of Hanumamma and Child Satyamma Nagathi of the Chitaldrug Polliegar Family.

File No. 2780 — 2823 of 1938.

General and Revenue Secretariat

As regards the principles governing the devolution of polliegar pensions, kind reference is invited to the Law Secretary's Opinion (Typed Note (A) dated 18.4.1928 in STA.40-25-slo 12+13), wherein they are briefly discussed.

It is now for orders if in view of the above, the question of the Continuance of the pensions which have been ordered in 1928 that they should be lapsed, and a reconsideration of which has been refused more than once, has to be reopened now or the petitioners informed that the question which was settled in 1928 cannot be reconsidered.

Flag N.

The Branch records that very old records in that have to be traced and that it took a long time

BRS MA 17/6 24/6.

30.7.38.

Apart from the question of reopening the question of lapsed pensions the petn. of 8.3.38 from P. Krishnaswami naik and five others does not show how they are related to the deceased pensioners. The genealogical tree said to have been enclosed with the petn. has not been received. Information may be called for from the State Huzur Treasury Officer in this respect if available

For perusal before

3.8.38.

G.R.S. III—37

2823
H

(5

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Forwarded to the State Huzur Treasury Officer, with compliments. for favour of furnishing the information referred to in the note of 3/8 of the ~~Financial~~ Asst Secretary, Finance Dept.

By Order,
Manganwarinegar
for Financial Secretary

STATE HUZUR TREASURY
5 AUG 1938

Let the genl. brs. K.E. if available be informed as 4/8/38

Returning to the Asst Secretary Finance Dept with compliments.

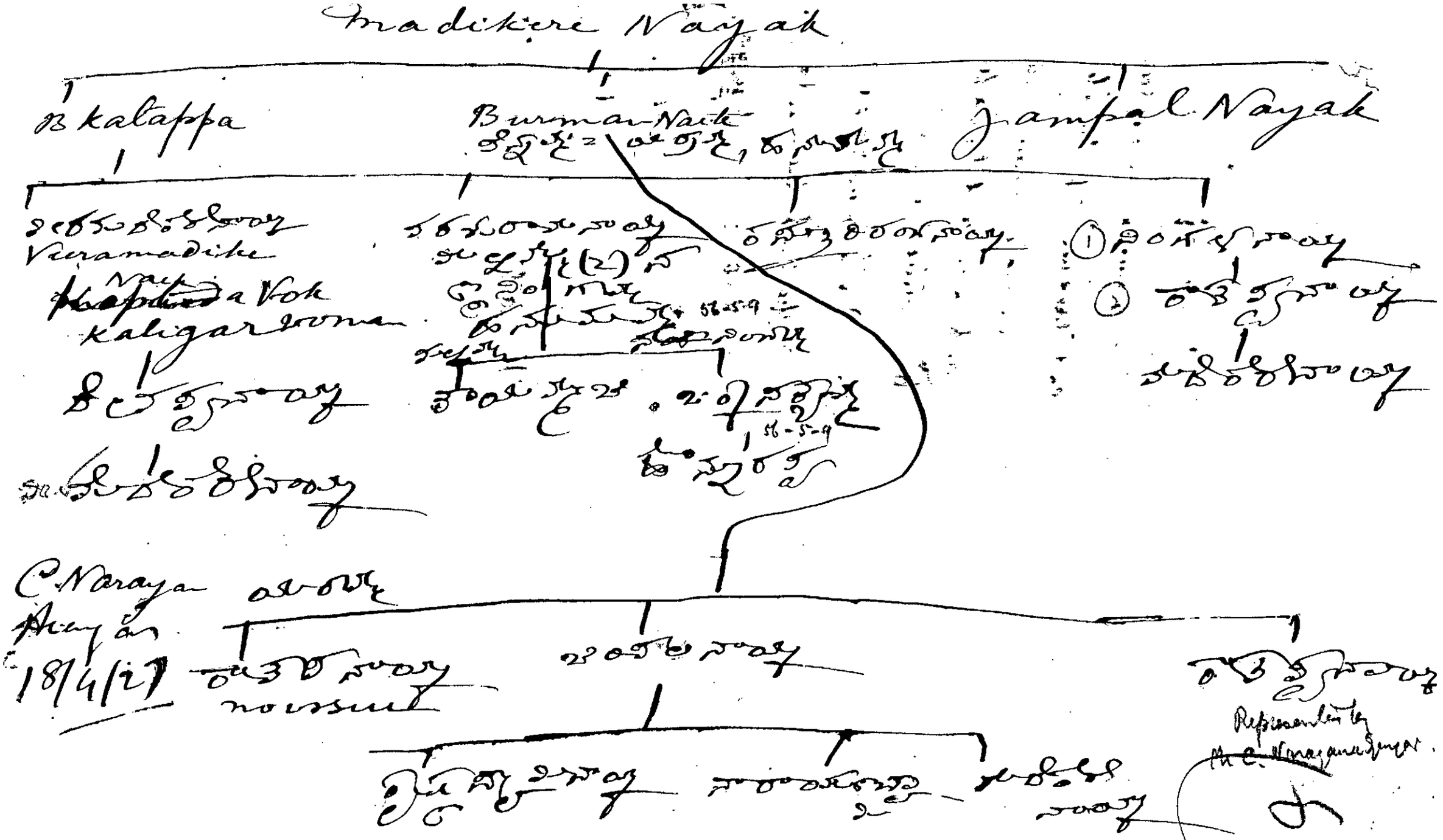
Two
The genealogical Trees of the applicants are here in enclosed. found in the file of the S. Dty

~~Extracts~~ (A & B) may kindly be returned when no longer required

Officer In-charge,
State Huzur Treasury
9/8

9/8

N.B.—*Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.*


Madikere Nayak
Bkalappa
Burman Naik
Jampal Nayak
Veeramadike
Kaligarlorman
C. Naraya
18/4/17
Represented by

Ph Narayana Rao's points:

1) Hanumamma's pension could go to her step-daughter Tayaramma because second could be claimed there a female & a political pension"

2) "For the same reason, Narayana could claim the pension of his mother Chikkasabbamma

18/4/27

* lineal descendant of
Kalappa Naik
grand-son of Kingalanaik
Youngest brother of Banasawa
Naik

(4)

Serial No.

The geneological tree obtained from the State Huzur Treasury is put up and flagged A + B. The petitioners Krishnaswami Naik, Narayanaswami Naik and Medakere Naik are the sons of Jampal Naik, one of the sons of Bharamamma Naik through Jerramma. After the death of Parasurama Naik (son of Bharamamma Naik), the pension was distributed among his widow Hanumamma Nagathi, his daughters Thayamaji and Chik Satyamma. The pensions now claimed by the petitioners are the vacant pensions of Hanumamma Nagathi and Chik Satyamma referred to above, which have been ordered to lapse.

In support of their claim, the petitioners say that Bharamamma Naik's claim as the next heir to the deceased Parasurama Naik had been recognised by the then Chief Commr., that the distribution among the female heirs was ordered out of pity and so on, and that the devolution of pol[illegible] pensions is governed by the principles of Hindu law. They quote certain precedents, and two of them are cases in which orders have issued recently — S+A. 95-33-H in which the claim of Ramappa Naik to the pension of his paternal aunt Rangamma

Flag R

NOTE—Contn. Sheet.

WD 0284—GPB—80,000—13-8-37

claims to the lapsed pensions of Hanumamma Nagathi and Chik Sahyamma Nagathi of the Chikadrug Pollegar Family

File No. 2780 — 2823 of 193

General and Revenue Secretariat

Nagathi was recognised; and another - SFA 305-36- 5 (X) in which the claim of Rangapparajiah, and others were recognised as the cousins of the last maleholder of the pension, and the pension of Jaganevva which had been ordered to be lapsed was continued in the name of Rangapparajiah as the eldest surviving member of the family. In view of these precedents, the request of the petitioners is for orders.

BAS 3079. 5-10-38.

There are two petitions —

(1) from Mr. B. Madakeri naik, grandson of Poraluvana naik's brother Linganna naik and

(2) from Messrs. P. Krishnaswami naik, Narayanaswami naik, Madikeri naik, C.P. Kasturi Rangappa naik, Bharamanna naik and minor Veeramadakeri naik — of these the first three are the grandsons of Bharamanna naik, paternal uncle of Poraluvana naik refd. to in (1); the relationship of the last three could not be traced and the genealogical tree obtained from the State Huzur Treasury does not contain their names. [If necessary further information will have to be called for].

Both the petitions lay claim to the pensions (of the value of Rs. 37-9-2 each)

Claims to the lapsed pensions of Hanumamma Nagathi and Chikka Satyamma Nagathi of the Chiladrug Pollegar family.

General and Revenue Secretariat

File No. 2780 C — 2823. of 193 . [App. F. III—2

Serial No.

10

that were held by Hanumamma Nagathi and Chikkasatyamma nagati, widow and daughter respectively, of Paradevarama naik resp. to above. In petition (2) it is also urged that the claims of Mr. B. Madakeri naik of the first petition and of another grand-nephew of Paradevarama naik, Viz., Veeramadakeri naik should not be admitted.

~~Petitioners considerings~~

The petitioners refer to several orders of Govt. passed from the time of the Chief Commissioner up to now to support their claims. Kind refce. is invited to the summary of a number of Govt. orders directing the lapse of these pensions in some cases and their continuance in other cases, in paragraph 63 of the notes in the S & A file 305 - 34, flag A. It will be seen that the claims of the cousin of the deceased, of the cousin brother or nephew of the husband of the deceased, etc., have been allowed and in some cases the pensions have been ordered to lapse because the pensioner had no issues or the pensions were only life grants or the collaterals were not considered as satisfactory claimants, etc.

The case of the pensions of Hanumamma nagathi and Chikkasatyamma nagathi was considered

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

in 1928 when some of the present petitioners also urged these claims. The legal opinion[x] on the file was to the effect that the continuance of the pension on the death of its holder was a matter of discretion for Govt., and orders were passed that the two pensions should lapse. Similar petitions received in respect of the same two pensions were considered by Govt. and rejected once[x] in May 1936, and again[x] in July 1936 (after hearing the petitioner in person on the latter occasion)

[x] flag N.

[x] flag Y.

[x] flag M

Now the petitioners urge that because such claims have been sanctioned by Govt. in some cases the matter may be reconsidered. In the case of Mr. Rangappa Rajaiya of the Bellary family the legal opinion was — that "under the law as it stands it is of course left entirely to the discretion of Govt., but ~~it is~~ (I think) it is high time that some reasonable rules are framed to indicate the policy of Govt. in such cases". This was in Sept[r] 1935, and after considering this opinion the pension enjoyed by a lady (Jayanavva) was continued in the name of the cousin-brother of her husband.

[x] flag Q

In view of these circumstances it seems best not to frame any general rules which would fetter the hands of Govt., each case being decided on its merits. In regard to the

2780 — 2823

Claims to the lapsed pensions of Hanumamma Nagathi and Chikk Sathyamma Nagathi of the Chikkaburu Polegar Family.

General and Revenue Secretariat

File No. 2780 of 193 — 2823. [App. F. III—2

Serial No.

two petitions under reference — No reconsideration of the question seems called for. It has been considered thrice, once in 1928, again in May 1936, and for a Third time in July 1936. The orders passed in 1928 may be taken as final.

H. Secy.)

By
6.10.38

The Advocate for Mr. B. Madakari naik is said to have requested to be heard before final orders are passed. (Illegible)

By
6.10.38

Revision 2780 NA

The above note of the Assistant Secretary sums up the details of the case. Apparently the decision in the case of Jaganavva has inspired this request. But, that case is distinguishable from the present one in that some apparent evidence was placed before Government therein to indicate that the pension of Jaganavva was for the benefit of a number of persons constituting a single family and as such the pension should not be considered as one drawn by an individual which was liable to lapse. Of course there are some cases in the past where such individual pensions have been continued and several other cases where they have not been continued but allowed to lapse, whenever direct lineal Succession failed. In the present case the fact that there are other applicants some of whom are not directly connected, it cannot also be clearly stated in what relationship they stand to the

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

deceased. The fact that these applicants have stated that the pension should not be paid to Madakari Naik indicates that the pension was not being utilised by the family for joint purposes. In these circumstances I am inclined to agree with Mr. S. Shamanna's note dated 6th July 1936 stating that no reconsideration is called for.

The advocate apparently wishes to be heard. I do not think that it would be necessary to hear him in the circumstances stated above. I am inclined to negative the request and would allow the doctrine of lapse to stand.

4.11.38

Dewan

5-11-38

7.11.38

Draft endorsement is submitted (Two drafts forwarded) Issued.

To the B.-Md Advocate-1 in Nallegu, challenging No. H 3029 of 16/11/35. Informing him that the request cannot be granted

To Messrs P. Krishnaswamy Naik & Others No. H 3030 of 16/11/35 Informing them that their request cannot be granted

B

23/11

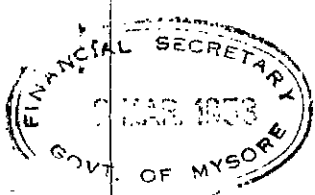
Submitted

2780

Mr. A. J. Khalil submits a letter
appeal to this Hon'ble
Minister of Law B. Madhusudan Rayak &
Chikkaboraiah & Sons that he may
be kindly heard by you & order
as deemed in the matter.

May the Hon'ble Minister
Commend for disposal

Ce
7/6



Fl. Secy.)

822

COURT FEE — MYSORE — TWO RUPEES

OFFICE OF THE DEWAN OF MYSORE.
Date of receipt 7-3-35
Petn: Regr. No. 1906

S & R 194-28-1

To

Amin-ul-Mulk

Sir Mirza M. Ismail, O.B.E., K.C.I.E.,

Dewan Saheb of Mysore,

B A N G A L O R E.

May it Please Your Excellency,

I, the undersigned B. Madakari Nayak, Pallegar of Chitaldroog Family, Tarikere, beg to submit as follows:--

KATAPPA NAYAK.

1. Veeramadakari Nayak. (wife) Dodda-Sathyamma Bagayathi.

2. Parasuram Nayak. (wife) Hanumamma Nagathi.

3. Lingal Nayak.

4. Kasturi Rangappa Nayak. (No issues.)

Son: Katappa Nayak.

Daughter Thayammaji.

Daughter Chiksathyamma Nagathi.

B. MADAKARI NAIK (Petitioner)
Wife:-Renumakka Nagathi

B. Chandrasekhara Naik | B. Lingal Naik. | Nagalakshamma | Katappa Nail

After the death of Parasuramappa Naik, brother of Lingal Naik, my grand-father, Parasuramappa Naik's pension was distributed among the several claimants as follows:--

(1)	to his widow Hanumamma Nagathi.	Rs. 37--9--2
(2)	to his daughter Thayammaji	" 37--9--2
(3)	to his daughter, Chi. Sathyamma.	" 37--9--2
(4)	to his brother's widow Satyamma.	" 25--0--0

Upon the death of Sathyamma (No.4) her stipend of Rs.25/- which was regarded as the amount paid to her for

her maintenance and craved out of Parasuramappa Naik's pension reverted to my grand-father Lingal Naik in No. 3649/384 dated 27th June 1891.

After the death of Nos. (1) and (3) their pensions fell vacant and I as the direct descendant in the male line put forth my claim but Government overlooked my claim and directed that the pension should lapse.

I beg to invite the attention of Government to certain principles enunciated by them in regard to the devolution of the Pollegar pension in the following - Government Orders:--

(1) Residency No.117 dated the 12th August 1880 'When Mr. Bowring increased the allowance of Pollegar pensioners by 25 per cent, he laid down that stipends held by females should lapse on their demise. This however, must be considered as applying only to those cases in which stipendiarites have no issues.

(2) G.O. No. 1678 dated the 29th October 1887 further liberalised the previous policy by recognising adoption as a means of perpetuating the lineage on the failure of natural heirs.

(3) G.O. No. 1308/140 dated the 21st/23rd May 1890 lays down the principle that succession to the pollegar pension is to be regulated according to the law of primogeniture and at the same time interests of the subordinate members should not be overlooked.

Reference is also invited to No.1025-89/F1 dated the 28th May 1873, One Kasturi Rangappa Naik of the Chitaldrug Pollegar family having died leaving no male issues,

his

his stipend of Rs.21-2-9 was distributed to the surviving members of his family viz., his mother Siddamma, his step-mother Basamma and his aunt Suramma for their maintenance. The same order lays down that 'on the death of any of those females, the stipend shall be again equally divided among the surviving members of the family until the whole amount is enjoyed by the last survivor, on whose death it will lapse.

It is clear from the orders aforesaid that the devolution of the pollegar pensions has been governed by principles of Hindu Law from time immemorial.

After the death of Hanumamma Nagathi and Chickasathyamma Nagathi, wife and daughter of Parasuram Nayak, the Petitioner applied for their Pensions, which is now in question. Without taking into consideration the claims of the Petitioner, Government simply passed an order stating that those Pensions have been lapsed to Government on the ground that they are life-time Pensions. But, in General Secretary's letter to Khajana Bakshi No.177, (Genl.No.2775) dated 20-8-1872, wherein after the death of Parasuram Nayak, his pension of Rs.137-11-4 was divided among four female members, viz., his widow, sister-in-law and two daughters, which clearly shows that they are not life-time Pensions.

After the death of Parasuram Nayak his pension was divided among four female members of the family. The very fact is a positive proof to show that the Pension is of a hereditary nature and not liable to lapse after their death. Moreover, the orders passed during the days of Mr. Bowring, No.117 dated 12-8-1890 that the stipends enjoyed

enjoyed by female members should lapse to Government only when there are no male heirs or issues in the family. From the above facts it is quite clear that the Petitioner is the only legal heir to the vacant Pensions and nothing deter from giving effect to it.

In this connection, the Petitioner begs to add that the Pallegar Pensions were granted to them in view of - Pallepat lands taken away to Government and on some political grounds also. In British Territories, Government have confirmed to the Pollegars, in most cases, Pallepet lands. But in Mysore, this class of people lost their political power and, on the pacification of the country, after the fall of Seringapatam, it was deemed inadvisable to restore to them the Pallepat lands and, in lieu given Family Pensions according to the prestige of their families. In order to encourage them, Government have also increased their Pensions on two previous occasions. In 1869 by 50% and in 1864-65 by 25%. The Government of His Highness the Maharaja are also of opinion that it will be no more than bare justice to Mysore Pallegar Pensions, the same rule of Succession as applied to Pallepat lands. This is in strict accordance with the Principles of Hindu Law and precedents of the Mysore State under Native Rule, and also with a popular general feeling in the matter. And - Government have also come to the conclusion that strict enforcement of this rule would be the means of keeping the Pension in the same Family.

In the following cases stipends held by females have been distributed to several claimants nearer or - distant in accordance with the principles of Hindu Law recognising

adoption for the purpose of continuing the pension of Rs.226/6/10 enjoyed by Akkajammanni was on her demise given to her adopted son Veerachikkaraya in No.Fl.1176/S.A. 42-18-8 dated 14th August 1918.

(1) After the death of Honnamma Nagathi of the Tarikere Pollegar Family, the stipend of Rs.126/9/0 was transferred to Sarja Pattabhirama Nayak who was enjoying the other half (G.O.No.Fl. 623/4/S & A. 384-13-2 dated 10-8-1914.

(2) On the death of Chowdamma of the Anegondi Pollegar Family, her pension was divided among four members of the same family (G.O.No.7848/S & A. 59-19-6 dated 26-4-1920).

(3) After the death of Bhaskaramma of Manjarabad - Pollegar Family viz., Rs.39-1-0 was granted to the nephew of her husband as the nearest legal heir.

Very recently Government were pleased to recognise the claim of Ramappa Naik to the pension of his paternal aunt Rangamma Nagathi in G.O.No.Fl.4420/S & A 95-33-4 dated the 31st January 1934.

Further, the claims of the distant cousins to the deceased Jaganavva of the Belagutti family were also - reconsidered by Government and the pension was continued in the name of Mariapparajiah and even the arrears were ordered to be paid with retrospective effect.

Having regard to the fact that I am the grand-nephew of Parasuramappa Naik, the original holder of the pension on whose death it was distributed among the several claimants in the manner aforesaid and that after such distribution Rs.25/- was given to Satyamma (Parasurampappa Naik's brother's widow) which was clearly stated to have been - given for her maintenance, reverted to my grand father -

Lingal Naik.

I earnestly pray that the two vacant pensions of Hanumamma Nagathi and Chiksatyamma Nagathi may be continued in my name. I belong to an ancient pollegar family and the present pension that I am getting is barely sufficient to maintain the status of the family and to support the several dependants upon me.

Further, I am the only proper and legitimate heir for the said vacant pensions.

In the circumstances, mentioned above, I humbly pray that the vacant pensions referred to may be kindly ordered to be continued to me.

Bangalore,
6th March '38.

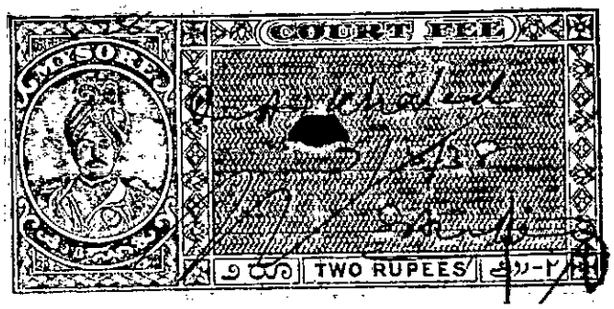
I beg to remain,

Your Excellency's

Most humble and respectful servant,

B. Madakarinaik

Petitioner.



Before the Dewan
IN THE COURT OF Mysore Bangalore.

Pet. No. OF 193)—1938.

petitioner:—
Madakari Nayak } vs. {

1. I the petitioner abovenamed do by these presents, retain Messrs. ~~C. SESHACHAR B.Sc., LL.B., and~~ A. J. KHALEEL B.A., B.L., *Advocates*, Bangalore, to appear and conduct the above case on my behalf to judgment.

2. I further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in my behalf and to receive from the Court all documents, refunds, and all sums of money that I may be entitled to get and grant receipts therefor.

3. I jointly or severally also undertake to confirm and ratify all acts done by the said Advocates or by any other Advocate on their behalf

B. Madakari Nayak
Signature.

BANGALORE,
7/3/ 1938.

Accepted

Personally known to me and signed in my presence.

A. J. Khaleel
Advocates.

R. P. Z. & P. Works, B. City.

GOVERNMENT OF MYSORE.

GENERAL AND REVENUE SECRETARIAT

A visitor desiring to see any officer is requested to send up his name, stating the nature of his business.

FINANCIAL S... ARY
10 MAR 1953
GOVT. OF MYSORE

Name P. Madakari Nayk

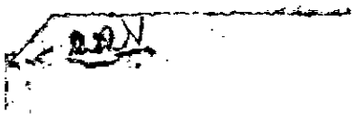
Whom he wishes to see Palegar of Chitaldrug

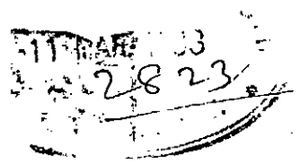
Submit a petition

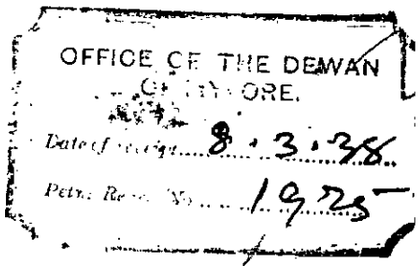
Business Attached. May be sent to Legislative Council for disposal

Cs 8/3

S&A 154-38-2







To

Amin-Ul-Mulk Sir Mirza M. Ismail, K.C.I.E.,O.B.E.,C.St.J.
Dewan and President in Council,
Government of Mysore,
BANGALORE.

The Humble Petition of : (1) P. Krishnaswamy Naik, (2) Narayanaswami Naik, (3) Madikere Naik, (4) C.P. Kasturirangappa Naik, (5) Bharamanna Naik, and (6) Minor Veeramadakere Naik In respect of the vacant pensions of the late Hanumamma Nagathi and Chikka Satyamma lapsed to Government in G.O.No. dated 12th June 1928 most respectfully SHOWETH:-

(1) That your humble petitioners belong to the family of the late Kotchi Madikere Naik, Pallegar of Chitaldroog.

(2) That your petitioners submit that on the death of the Pallegar the pension was continued to his eldest son Katappa Naik with suitable allowances to his other sons.

(3) That the said Katappa Naik died in 1934 leaving behind him his sons Veeramadikere Naik, Parasurama Naik, Linganna Naik and Kasturirangappa Naik. The fact that the pension was granted to the eldest son Veeramadikere Naik shows that the law of primogeniture which is the law governing the impartial Zemindari Estates was applied to pensions.

(4) The said Veeramadikere Naik who was drawing the above pension died in 1864 leaving his widow Satyamma, an illegitimate son Devappa Naik and two illegitimate brothers Linganna Naik and Kasturirangappa Naik.

(5) That under the above circumstances the aforesaid pension of Veeramadikere Naik was granted solely to his legitimate brother Parasuramappa Naik to the exclusion of his widow,

widow, his illegitimate son Devappa Naik and his illegitimate brothers Linganna Naik and Kasturi Rangappa Naik.

(6) After the death of Parasuramappa Naik the pension was distributed among his widow Hanumamma Nagati his daughters Thayammaji and Chikka Satyamma and his brother's widow Satyamma was enjoying her pension Rs.25/- even before the death of Parasuramappa Naik.

(7) The petitioners claim the vacant pensions of Hanumamma Nagati and Chikka Satyamma as direct descendents in the Male Line.

(8) A geneological tree showing the relationship of the petitioners to the deceased Hanumamma Nagati and the original grantee of the pension is enclosed herewith for kind reference

(9) Petitioners beg to state that when Bharmanna Naik urged his claim to the pension of Parasuramappa Naik as he was the junior paternal uncle and as such the nearest male heir of the said Parasuramappa Naik and also as the brother of the original grantee of the said pension, the then Chief Commissioner, while admitting that the said Bharmanna Naik was the next heir to the deceased Parasuramappa Naik had a good title to the pension and that his claim was entitled to the first consideration was however, of opinion that it would be proper under the circumstances to divide the said pension among the aforesaid female members of his family. Kind reference is invited to the endorsement issued to Bharamanna Naik in this connection.

(10). Your petitioners beg to urge that although the order of the distribution among the female members was against precedent the same was made out of pity for the females on the report of the Khajana Bakshi.

(11). Our claim is also based on the ground that since Satyamma's stipend of Rs.25/- which was clearly stated to have been given for her maintenance reverted to Linganna Naik, the two vacant pensions of Hanumamma Nagathi and Chikka Satyamma should revert to the petitioners who are the surviving cousin brothers sons of the last male holder Parasuramappa Naik.

Precedents also support the petitioners' claim.

(12) They beg to invite the attention of Government to certain principles enunciated by them in regard to the devolution of the pallegar pensions in the following Government Orders : -

(1). G.O.No.1678 dated 29th October, 1887 further liberalised the previous policy of Government towards the pallegar pensions by recognising adoption as a means of perpetuating the lineage on the failure of natural heirs.

(2). Kind reference is invited to G.O.No. Fl. No.1025-85 dated 28th May 1873. One Kasturirangappa of the Chitaldroog pallegar family having died leaving no male issue, his stipend of Rs.21- 2- 9 was distributed to surviving members namely his mother Siddamma, his step mother Basamma and his aunt Suramma for their maintenance. The same order laid down that " on the death of any of those females the stipend shall be again equally divided among the surviving members of the family until the whole amount is enjoyed by the last survivor on whose death it will lapse.

(3). It is clear from the above orders the devolution of the pallegar pensions has been governed by the principle of Hindu Law from time immemorial.

(4). In the following cases stipends held by females have been distributed to several claimants nearer or distant in

24

in accordance with the principles of Hindu Law recognising adoption for the purpose of continuing the pensions:-

(1). In the Anekal family the pension of Rs.226-6-10 enjoyed by Akkajammani was on her death given to her adopted son Veerachikkaraya in G.O.No.Fl 1176-S&A 42-18-8 dated 14-8-1918.

(2) On the death of one Seebakamma of the Chitaldroog family her stipend was divided among six individuals (Vide-G.O.No.185 dated 11-2-1879).

(3) On the death of Chowdamma of the Anegodi pallegar family her pension was divided among the four members who were remotely connected to the deceased Vide G.O.No.7847 S & A. 59-19-6 dated 26-4-1920.

(4). After the death of Bhaskaramma of the Manjarabad pallegar family the pension of Rs.39-1-6 was granted to the nephew of her husband.

(5). The claim of Ramappa Naik to the pension of his paternal aunt Rangamma Nagathi was recognised by Government in G.O.No.4420 S. & A. 95-33-4 dated 31-1-34.

(6). Also recently Government recognised the claims of certain members in the Belagutti family to the lapsed pension of Jaganavva. The claimants to this pension were all cousins of the deceased's husband (copy enclosed).

Having regard to the facts set forth above, and of the fact that in the case of Rangamma Nagathi of Chitaldroog family and Jaganavva of Belaguttu family, Government after careful investigation revised orders already passed and renewed lapsed pensions in the names of the respective claimants for their maintenance.

We pray that the two vacant pensions of Hanumamma

Hanumamma Nagathi and Chikka Satyamma Nagathi may be continued in our names from the date of their death. We are all in receipt of very small stipends barely sufficient to keep up the dignity of the family and support the several members depending on us.

Leaving apart other claimants Viz., Veeramadakari Naik who is related to the deceased Hanumamma Nagathi through Nanjamma, concubine of Veeramadakari Naik and is barred by illegitimacy of descent and Madakari Naik, grand nephews of the late Parasuramappa Naik, who is already getting a decent pension of Rs.101-1-10 and is of illegitimate origin the petitioners Krishnaswami Naik No.17, Narayana Swamy Naik No.18, Madakari Naik No.19, Bharamanna Naik No.20, Kasturi Rangappa Naik No.21, Minor Veeramadakari Naik are the surviving cousins as shown in the geneological tree herewith annexed and once more pray that the vacant stipends in question may be continued and registered in our names as we are the nearest in relationship to the deceased. The nearness of the relationship to the late Bharamanna Naik (petitioner's grand grandfather) to the deceased Parasuramappa Naik was recognised by the then chief Commissioner where it is clearly stated in the endorsement issued to the former that he is the next of kin and has the first right for consideration.

P. Krishnaswamy Naik

P. Madakari Naik

No. PC 3029
S.R.A. 194-38-3

Two drafts dated 16-11-1938

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Endorsement granted to Mr. B. Madakari Nayak, Pallegar ~~Mr. A. J. Khaleel, B.A., B.L., Advocate, Bangalore City~~ of Chitaldrug Family, C/o Mr. A. J. Khaleel, B.A., B.L., Advocate, Bangalore City—

With reference to his petition sd. by Mr. S. K. Janakhandi 9. 7. 38 addressed to the Dewan of Mysore praying that the 2 vacant pensions of Kanumamma Nagathi and Chickadathyamma Nagathi may be ordered to be continued to him, Mr. B. Madakari Nayak is informed that his request cannot be granted.

By order

8/11/38.

10.11.38.

for Financial Secretary

WD 0522—GPB—7,500—16-2-37

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Ed. by Mr. S. K. Janakiramudi

Two drafts. Ab. R. 3030

S & A 194-38-4

Dated 16th November 1938.

Endorsement granted to Messrs P. Krishnaswamy Naik, P. Madakari Naik and others of Chitaldrug Pallegar family

With reference to their petition of 7.3.38 addressed to the Dewan praying that the 2 vacant seatings of Hanumamma Nagathi & Chickasathyamma Nagathi may be ordered to be continued to them, the P. Krishna Swami Naik & others are informed that their request cannot be granted.

By order,

S R ——— 38.
11

S R
10.11.38. for Financial Secy
to Govt.